

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169

**LEWIS**  **ROCA**

John E. Bragonje  
State Bar No. 9519  
Brian D. Blakley  
State Bar No. 13074  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Pkwy, Suite 600  
Las Vegas, NV 89169-5996  
Tel: 702.949.8200  
Fax: 702.949.8398  
E-mail: [jbragonje@lrrc.com](mailto:jbragonje@lrrc.com)  
E-mail: [bblakley@lewisroca.com](mailto:bblakley@lewisroca.com)

Dana M. Susman (*Pro Hac Vice*)  
Daniel Gimmel (*Pro Hac Vice*)  
KANE KESSLER, P.C.  
600 Third Avenue, 35th Floor  
New York, NY 10016-1901  
Tel: 212.541.6222  
Fax: 212.245.3009  
E-mail: [dsusman@kanekessler.com](mailto:dsusman@kanekessler.com)  
[dgimmel@kanekessler.com](mailto:dgimmel@kanekessler.com)

*Attorneys for Defendant All Saints Retail Limited*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BLITZ NV, LLC,  
  
Plaintiff,  
  
vs.  
  
ALL SAINTS RETAIL LIMITED,  
  
Defendant.

Case No.: 2:21-cv-00089-GMN-EJY

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND TIME TO RESPOND  
TO AMENDED COMPLAINT AND TO  
CONTINUE RULE 26(F) SCHEDULING  
CONFERENCE**

**(FOURTH REQUEST)**

Defendant All Saints Retail Limited and Plaintiff Blitz NV, LLC, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Plaintiff initiated this action by the filing of a summons and complaint on January 15, 2021. On March 9, 2021, Defendant filed a motion to dismiss [ECF No. 12], based on lack of personal jurisdiction, subject matter jurisdiction and for failure to properly serve Defendant with process.

2. In response, on March 23, 2021, Plaintiff filed a response to the Motion to Dismiss asserting that the motion to dismiss be denied as moot or soon to be moot [ECF No. 19], the First Amended Complaint [ECF No. 18], along with a Motion to Extend Time to Serve Process Upon Defendant All Saints Retail Limited Pursuant to FRCP 4(m) (“Motion to Extend”) [ECF No. 20].
3. Thereafter, the parties continued to have settlement discussions, and as part of these discussions, Defendant has agreed to waive service of the Summons and Complaint pursuant to Rule 4(d). Defendant will promptly provide the appropriate, duly executed waiver of service form, which will then be filed with this Court. In light of the agreement to waive of service, the parties agreed that the Motion to Extend was moot.
4. On March 31, 2021, the Court ordered that Defendant’s deadline to respond to the First Amended Complaint will be on or before June 28, 2021, and that the date to hold the Rule 26(f) conference would be 30 days from Defendant’s response to the First Amended Complaint, but no later than July 28, 2021, and the Discovery Plan/Scheduling Order would be due 14-days thereafter [ECF No. 24].
5. On June 18, 2021, the parties stipulated to a further 30-day extension of the deadlines, and on June 21, 2021, the Court ordered that Defendant’s deadline to respond to the First Amended Complaint will be on or before July 28, 2021, and that the date to hold the Rule 26(f) conference would be 30 days from Defendant’s response to the First Amended Complaint, but no later than August 27, 2021, and the Discovery Plan/Scheduling Order would be due 14 days thereafter [ECF No. 30].
6. On July 16, 2021, the parties stipulated to a further 30-day extension of the deadlines, and on July 19, 2021, the Court ordered that Defendant’s deadline to respond to the First Amended Complaint will be on or before August 27, 2021, and that the date to hold the Rule 26(f) conference would be 30 days from Defendant’s response to the First Amended Complaint, but no later than September 27, 2021,

1 and the Discovery Plan/Scheduling Order would be due 14 days thereafter [ECF  
2 No. 33].

3 7. On August 19, 2021, the parties stipulated to a further 30-day extension of the  
4 deadlines, and on August 20, 2021, the Court ordered that Defendant's deadline to  
5 respond to the First Amended Complaint will be on or before September 27, 2021,  
6 and that the date to hold the Rule 26(f) conference would be 30 days from  
7 Defendant's response to the First Amended Complaint, but no later than October  
8 27, 2021, and the Discovery Plan/Scheduling Order would be due 14 days thereafter  
9 [ECF No. 36].

10 8. The parties have reached a settlement memorialized in a fully negotiated settlement  
11 agreement, which, among other things, contemplates dismissal of this action  
12 subject to the terms of the settlement. To allow the parties time to complete the  
13 settlement process and execution of relevant documents, the parties have agreed to  
14 extend by 30 days Defendant's deadline to respond to the First Amended  
15 Complaint, which deadline will be on or before October 27, 2021. Such stipulation  
16 is without prejudice and with the express reservation of rights by each party.  
17 Without limiting the foregoing, Defendant expressly reserves all defenses and  
18 objections to the lawsuit, the Court's personal and subject matter jurisdiction and  
19 the venue of this action, and Plaintiff expressly reserves all arguments and  
20 allegations in connection with personal and subject matter jurisdiction and the  
21 venue of this action.

22 9. Further, commensurate with the settlement discussions and extending the deadline  
23 to respond to the First Amended Complaint, the parties further request a thirty-day  
24 continuance of the deadlines to hold the Rule 26(f) conference and submit a  
25 Discovery Plan/Scheduling Order for 30 days from the date of Defendant's  
26 response to the amended complaint, but no later than November 29, 2021 for the  
27 26(f) conference and 14-days thereafter to file the Discovery Plan/Scheduling  
28 Order.

10. There is currently no trial or hearings scheduled in this matter.

Dated this 23<sup>rd</sup> day of September 2021

FLANGAS LAW GROUP

By: /s/ Kimberly P. Stein

Kimberly P. Stein  
Nevada Bar No. 8675  
Email: [kps@fdlawly.com](mailto:kps@fdlawly.com)  
3275 South Jones Blvd., Ste. 105  
Las Vegas, NV 89146  
Tel: (702) 307-9500

CARLTON FIELDS  
William Giltinan (*Pro Hac Vice*)  
FL Bar No. 27810  
4221 W. Boy Scout Blvd., Ste. 1000  
Tampa, Florida 33607-4241  
(813) 229-4241

*Attorneys for Plaintiff Blitz NV, LLC*

Dated this 23<sup>rd</sup> day of September 2021

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ John E. Bragonje

John E. Bragonje  
State Bar No. 9519  
Email: [jbragonje@lrrc.com](mailto:jbragonje@lrrc.com)  
Brian D. Blakley  
State Bar No. 13074  
E-mail: [bblakley@lewisroca.com](mailto:bblakley@lewisroca.com)  
3993 Howard Hughes Pkwy, Suite 500  
Las Vegas, NV 89159-5996  
Tel: (702) 949-8200

KANE KESSLER, P.C.  
Dana M. Susman (*Pro Hac Vice*)  
Daniel Gimmel (*Pro Hac Vice*)  
600 Third Avenue, 35<sup>th</sup> Floor  
New York, NY 10016  
Tel: 212-541-6222

*Attorneys for Defendant All Saints Retail Limited*

**ORDER**

**IT IS SO ORDERED** that:

1. Defendant's deadline to respond to the First Amended Complaint [ECF No. 18] will be October 27, 2021.
2. The current date to hold the 26(f) conference is continued until 30 days from Defendant's response to the First Amended Complaint, but no later than November 29, 2021, and the Discovery Plan/Scheduling Order would be due 14-days thereafter.

  
**UNITED STATES MAGISTRATE JUDGE**

**Dated: September 24, 2021**